

110TH CONGRESS
2D SESSION

S. 2952

To improve food safety through mandatory meat, meat food product, poultry, and poultry product recall authority, to require the Secretary of Agriculture to improve communication about recalls with schools participating in the school lunch and breakfast programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 1, 2008

Mr. MENENDEZ (for himself and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To improve food safety through mandatory meat, meat food product, poultry, and poultry product recall authority, to require the Secretary of Agriculture to improve communication about recalls with schools participating in the school lunch and breakfast programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe School Lunch
5 Act of 2008”.

1 **SEC. 2. MANDATORY RECALL AUTHORITY.**

2 (a) MEAT AND MEAT FOOD PRODUCTS.—Section
3 401 of the Federal Meat Inspection Act (21 U.S.C. 671)
4 is amended—

5 (1) by striking “**SEC. 401.** The Secretary may”
6 and inserting the following:

7 **“SEC. 401. INSPECTION SERVICES.**

8 “(a) IN GENERAL.—The Secretary may”; and

9 (2) by adding at the end the following:

10 “(b) MANDATORY RECALL AUTHORITY.—

11 “(1) ORDER TO CEASE DISTRIBUTION.—

12 “(A) IN GENERAL.—If the Secretary finds
13 that certain meat or meat food products may
14 cause a serious, adverse health consequence or
15 may be adulterated, the Secretary shall issue an
16 order requiring the appropriate person (includ-
17 ing a meat broker, packer, manufacturer, dis-
18 tributor, or retailer of the meat or meat food
19 product) to immediately cease distribution of
20 the meat or meat food product.

21 “(B) INFORMAL HEARING.—

22 “(i) IN GENERAL.—An order under
23 subparagraph (A) shall provide the person
24 subject to the order with an opportunity
25 for an informal hearing, to be held not
26 later than 10 days after the date of the

1 issuance of the order, on the actions re-
2 quired by the order and on whether the
3 order should be amended to require a re-
4 call of the meat or meat food product in-
5 volved.

6 “(ii) INADEQUATE GROUNDS.—If,
7 after providing an opportunity for a hear-
8 ing under clause (i), the Secretary deter-
9 mines that inadequate grounds exist to
10 support the actions required by the order,
11 the Secretary shall vacate the order.

12 “(2) ORDER TO RECALL.—

13 “(A) IN GENERAL.—Except as provided in
14 subparagraph (B), if, after providing an oppor-
15 tunity for an informal hearing under paragraph
16 (1)(B)(i), the Secretary determines that the
17 order should be amended to include a recall of
18 the meat or meat food product with respect to
19 which the order was issued, the Secretary shall
20 amend the order to require a recall.

21 “(B) PROHIBITION.—An amended order
22 under subparagraph (A) shall not include a re-
23 call of meat or meat food products from indi-
24 vidual consumers.

25 “(C) TIMETABLE.—The Secretary shall—

1 “(i) specify a timetable during which
 2 the meat or meat food product recall will
 3 occur; and

4 “(ii) require periodic reports to the
 5 Secretary describing the progress of the re-
 6 call.”.

7 (b) POULTRY AND POULTRY PRODUCTS.—Section 18
 8 of the Poultry Products Inspection Act (21 U.S.C. 467)
 9 is amended—

10 (1) by striking “**SEC. 18.** (a) The Secretary
 11 may” and inserting the following:

12 **“SEC. 18. INSPECTION SERVICES.**

13 “(a) IN GENERAL.—The Secretary may”;

14 (2) by striking “(b) Upon the withdrawal” and
 15 inserting the following:

16 “(c) EFFECT OF WITHDRAWAL OF INSPECTION
 17 SERVICE.—Upon the withdrawal”;

18 (3) by striking “(c) The determination” and in-
 19 serting the following:

20 “(d) JUDICIAL REVIEW.—”; and

21 (4) by inserting after subsection (a) (as des-
 22 ignated by paragraph (1)) the following:

23 “(b) MANDATORY RECALL AUTHORITY.—

24 “(1) ORDER TO CEASE DISTRIBUTION.—

1 “(A) IN GENERAL.—If the Secretary finds
2 that certain poultry or poultry products may
3 cause a serious, adverse health consequence or
4 may be adulterated, the Secretary shall issue an
5 order requiring the appropriate person (includ-
6 ing a poultry broker, packer, manufacturer, dis-
7 tributor, or retailer of the poultry or poultry
8 product) to immediately cease distribution of
9 the poultry or poultry product.

10 “(B) INFORMAL HEARING.—

11 “(i) IN GENERAL.—An order under
12 subparagraph (A) shall provide the person
13 subject to the order with an opportunity
14 for an informal hearing, to be held not
15 later than 10 days after the date of the
16 issuance of the order, on the actions re-
17 quired by the order and on whether the
18 order should be amended to require a re-
19 call of the poultry or poultry product in-
20 volved.

21 “(ii) INADEQUATE GROUNDS.—If,
22 after providing an opportunity for a hear-
23 ing under clause (i), the Secretary deter-
24 mines that inadequate grounds exist to

1 support the actions required by the order,
 2 the Secretary shall vacate the order.

3 “(2) ORDER TO RECALL.—

4 “(A) IN GENERAL.—Except as provided in
 5 subparagraph (B), if, after providing an oppor-
 6 tunity for an informal hearing under paragraph
 7 (1)(B)(i), the Secretary determines that the
 8 order should be amended to include a recall of
 9 the poultry or poultry product with respect to
 10 which the order was issued, the Secretary shall
 11 amend the order to require a recall.

12 “(B) PROHIBITION.—An amended order
 13 under subparagraph (A) shall not include a re-
 14 call of poultry or poultry products from indi-
 15 vidual consumers.

16 “(C) TIMETABLE.—The Secretary shall—

17 “(i) specify a timetable during which
 18 the poultry or poultry product recall will
 19 occur; and

20 “(ii) require periodic reports to the
 21 Secretary describing the progress of the re-
 22 call.”.

23 **SEC. 3. RELATIONSHIP TO SCHOOL LUNCH PROGRAM.**

24 (a) IN GENERAL.—The Secretary of Agriculture (re-
 25 ferred to in this Act as the “Secretary”) shall—

1 (1) establish a program to provide schools that
2 participate in the school lunch program established
3 under the Richard B. Russell National School Lunch
4 Act (42 U.S.C. 1751 et seq.) or the school breakfast
5 program established by section 4 of the Child Nutri-
6 tion Act of 1966 (42 U.S.C. 1773) with training re-
7 lating to—

8 (A) how to stay informed about meat and
9 meat food products subject to a recall under the
10 Federal Meat Inspection Act (21 U.S.C. 601 et
11 seq.) and poultry or poultry products subject to
12 a recall under the Poultry Products Inspection
13 Act (21 U.S.C. 451 et seq.), including any new
14 recall procedures;

15 (B) how to dispose of meat and meat food
16 products or poultry and poultry products sub-
17 ject to a recall under those Acts; and

18 (C) how to properly inform parents in a
19 timely manner of a recall under those Acts; and

20 (2) make information and training materials ac-
21 cessible to the schools through the information clear-
22 inghouse established under subsection (b).

23 (b) INFORMATION CLEARINGHOUSE.—The Secretary
24 shall ensure that the information provided on the website
25 of the Department of Agriculture relating to meat, meat

1 food products, poultry, and poultry products subject to in-
 2 spection by the Secretary, including information about re-
 3 calls under the Federal Meat Inspection Act (21 U.S.C.
 4 601 et seq.) and the Poultry Products Inspection Act (21
 5 U.S.C. 451 et seq.), is—

6 (1) up-to-date; and

7 (2) written in a clear manner that is accessible
 8 by school employees and parents.

9 (c) REGULATIONS.—Not later than 180 days after
 10 the date of enactment of this Act, the Secretary shall pro-
 11 mulgate regulations to ensure that the Secretary is able
 12 to trace all meat, meat food products, poultry, and poultry
 13 products inspected by the Secretary at all times from the
 14 slaughter premises to final distribution to schools de-
 15 scribed in subsection (a)(1).

16 **SEC. 4. FOOD PROTECTION REVIEW, EVALUATION, AND RE-**
 17 **PORT.**

18 (a) IN GENERAL.—The Secretary shall conduct a re-
 19 view and evaluation of the meat, meat food product, poul-
 20 try, and poultry product inspection and recall procedures
 21 of the Department of Agriculture.

22 (b) REQUIREMENTS.—The review and evaluation re-
 23 quired under subsection (a) shall—

24 (1) focus on achieving optimal consumer safety
 25 and protecting the food supply; and

1 (2) include—

2 (A) a review of the risks to consumer safe-
 3 ty at all times from the initial production of a
 4 meat, meat food product, poultry, or poultry
 5 product until consumption of the meat, meat
 6 food product, poultry, or poultry product; and

7 (B) an evaluation of methods to—

8 (i) target resources to achieve max-
 9 imum risk reduction;

10 (ii) address both unintentional and de-
 11 liberate contamination; and

12 (iii) use science and modern tech-
 13 nology systems to improve protection of
 14 the food supply.

15 (c) REPORT.—Not later than 180 days after the date
 16 of enactment of this Act, the Secretary shall submit to
 17 the Committee on Agriculture of the House of Representa-
 18 tives and the Committee on Agriculture, Nutrition, and
 19 Forestry of the Senate a report describing the results of
 20 the review and evaluation conducted under subsection (a).

21 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

22 There are authorized to be appropriated such sums
 23 as are necessary to carry out this Act.

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